

Table of Contents

Title 52 ETHICS

Part I. Board of Ethics

Chapter 1.	Definitions	1
Chapter 2.	Organization, Rules, Procedures, and Powers of the Board	1
Chapter 3.	Duties of the Executive Secretary	3
Chapter 4.	Designated Duties of the Ethics Administrator	3
Chapter 5.	Designated Duties of the Trial Attorney	4
Chapter 6.	Advisory Opinions.....	4
Chapter 7.	Complaints.....	5
Chapter 8.	Investigations.....	7
Chapter 9.	Consent Opinions	7
Chapter 10.	Hearings.....	7
Chapter 11.	Pre-Hearing Procedure	11
Chapter 12.	Penalties.....	12
Chapter 13.	Records and Reports.....	13
Chapter 14.	Disqualification Pursuant to the Provisions of Section 1112(C) of the <i>Code of Governmental Ethics</i>	17
Chapter 16.	The Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act...	18
Chapter 17.	Random Drug Testing for Elected Officials.....	20
Chapter 18.	Electronic Filing	20
Chapter 19.	Lobbyist Disclosure Act	21
Chapter 20.	Exemption Pursuant to the Provisions of Section 1123(34).....	46
Index	47

Title 52

ETHICS

Part I. Board of Ethics

Chapter 1. Definitions

§101. Definitions

Adversarial Public Hearing Any public hearing conducted by the board, or any other related matter, concerning charges issued, or a public hearing concerning a person's failure to pay late fees.

Affected Person Any person or governmental agency, or the authorized representative of such person or agency with a demonstrable and objective interest in the board's interpretation, construction, and application of any law within the board's jurisdiction.

Campaign Finance Disclosure Act Refers to R.S. 18:1481 et seq.

Code Refers to the *Code of Governmental Ethics*, R.S. 42:1101 et seq.

Collection Agency A person selected by the board, which has collection sites throughout the state of Louisiana.

Consent Opinion A written decision and order of the board issued with the agreement of the respondent in order to publicly settle any matter which appears to be a violation of any law within the board's jurisdiction in lieu of filing charges, holding a public hearing, or filing a civil action.

Designated Representative A board-appointed member of the staff of the Ethics Administration Program, whose primary responsibility includes overseeing the implementation of the program to enforce the random drug testing of elected officials.

Elections Integrity Refers to R.S. 18:41 et seq.

Emergency Can unforeseen combination of circumstances that calls for immediate action.

Ethics Administration Program The unit of the Department of Civil Service and those employees who provide staff support for the board.

Fact-Finding The process, initiated by the board, whereby the staff, under the supervision of the ethics administrator, gathers information so that proper disposition can be made by the board on requests for advisory opinions, media reports, and verbal reports. With respect to media reports and verbal reports, fact-finding means only the solicitation of a written response by the ethics administrator or his designee from the respondent of the fact-finding.

He or His When used as a pronoun includes either gender or a legal entity, whether singular or plural, except as otherwise clearly indicated by the context.

Lobbyist Disclosure Act Refers to R.S. 24:50 et seq. and R.S. 49:71 et seq.

Person Aggrieved Any person who was the subject of a complaint or an investigation or any person to whom notice of charges was issued.

Person Authorized by an Elected Official A person or persons selected by the elected official who may receive notice of selection for testing. If the elected official chooses to select such a person to receive notice, the name and address of such person shall be provided by the elected official to the designated representative.

Publication or Publish The process whereby the staff places the board's decision in written form for the board's approval and signature and thereafter sends a copy to any interested person. Nothing herein shall alter the confidentiality of those matters confidential by law.

Random Number The number assigned to the elected official, which ensures the confidentiality of the testing process.

Random Number Selector A person selected by the board, responsible for the selection of those elected officials subject to the random drug testing.

Random Process A generally accepted method to ensure that the elected officials are chosen by their random numbers in an unsystematic manner.

Respondent Any person who is the subject of charges filed by the board.

Staff The ethics administrator, the executive secretary and the employees of the Ethics Administration Program.

Supervisory Committee The Board of Ethics or any panel thereof with jurisdiction over matters involving campaign finance disclosure.

Trial Attorney The attorney or attorneys designated by the chairman pursuant to §501 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1288 (October 1997), amended LR 24:1893 (October 1998), LR 30:2668, 2687 (December 2004).

Chapter 2. Organization, Rules, Procedures, and Powers of the Board

§201. Election of the Chairman and Vice-Chairman

A. The chairman and vice-chairman shall be elected for a two-year term at the first meeting held following January 1 of each odd-numbered year commencing with January 1, 1997.

B. In case of a vacancy in the office of chairman or vice-chairman, the board shall elect a new chairman or vice-chairman who shall serve until the expiration of the vacated term.

C. The chairman shall:

1. preside at all meetings of the board when present;
2. assign matters to the appropriate panel for investigation;
3. act or direct the staff to act between meetings of the board on routine matters involving scheduling, docketing, appearances, continuances, and postponements;
4. provide direction on behalf of the board between meetings to the board's counsel during litigation; and
5. perform all other duties pertaining to the office of chairman or as may be assigned to him by the board.

D. In the absence of the chairman, the vice-chairman shall perform all the duties of the chairman.

E. During the course of an adjudication, the board may, by a majority vote of its participating members and with the concurrence of the chairman, designate a member who is an attorney to act as the presiding officer during the adjudication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1289 (October 1997).

§202. Powers of the Board

A. The board is empowered to:

1. administer and enforce any law within its jurisdiction;
2. represent the public interest in the administration of any law within its jurisdiction;
3. offer and enter into consent opinions regarding violations of the provisions of any law within its jurisdiction;
4. refer to fact-finding media reports, verbal reports, or requests for advisory opinions;
5. prescribe rules of order, evidence and procedure to govern its meetings, hearings, and investigations;
6. take such steps as may be necessary to maintain proper order and decorum during the course of its hearings and other proceedings, consistent with the resolution of matters coming before it for consideration; and
7. include on the agenda for board consideration any matter of interest to any board member which is within the board's jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1289 (October 1997).

§203. Panels of the Board

A. The board may, by a majority vote of its membership, implement the provisions of R.S. 42:1141(A) through the selection of panels at any time it deems appropriate. The subject matter jurisdiction of each such panel shall be determined by the board.

B. Each panel shall consist of three or more members of the board. The chairman of the board may participate in all meetings of any panel. The presence of at least three members of a panel shall be required to conduct the business of the panel.

C. The panels may be implemented by a majority vote of participating members of the board.

D. Each panel shall elect a chairman and may select a vice-chairman who shall serve at the pleasure of the panel. It shall be the duty of the chairman of the panel to preside at all meetings of the panel and to perform all other duties pertaining to this office.

E. Each panel shall meet at such time and place as may be fixed by the panel.

F. Except as otherwise provided by law, any determination by a panel shall be made by not less than three members or by a majority of those members participating, whichever is greater.

G. The board, by majority vote of its membership, may review any opinion, decision, finding, or ruling of any panel.

H. Any person aggrieved by any action taken by a panel may file with the board a written request for review of the panel's action. The request shall set forth the facts and law which justify review by the board and shall be filed within 14 days of the date the decision of the panel is published. The board shall determine whether or not to review the panel's decision within 14 days of the filing of the request for review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1289 (October 1997).

§204. Meetings

A. The board shall meet at such time and place as may be fixed by the board.

B. Notice of each meeting shall be given to all members of the board.

C. Notice of each meeting shall be given to the general public in accordance with R.S. 42:7.

D. All meetings shall be open to the public, except as otherwise provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1289 (October 1997).

§205. Quorum and Voting

A. Six members of the board shall constitute a quorum for the transaction of the business of the board.

B. The presence of nine members shall be required to conduct the business of the board sitting en banc.

C. Two-thirds of the membership of the board shall be eight members of the board.

D. The concurrence of a majority of the members participating shall constitute a ruling upon an item of business before the board, except as otherwise provided by law.

E. Brief absences during the consideration of an item of business shall not disqualify a member from voting on said item.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1289 (October 1997).

§206. Executive Secretary to the Board

A. The board shall appoint an executive secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1290 (October 1997).

§207. Minutes of Proceedings

A. The minutes of the proceedings of the board and any panel thereof shall be prepared and maintained by the executive secretary or his designee on behalf of and subject to the approval of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1290 (October 1997).

Chapter 3. Duties of the Executive Secretary

§301. Duties of the Executive Secretary

A. The executive secretary or his designee shall:

1. act as the board's secretary; attend all of its meetings; and keep minutes of its proceedings;
2. carry out the directives, orders, and assignments of the board;
3. prepare such reports as the board may request regarding its work;
4. issue subpoenas and subpoenas duces tecum;
5. act between meetings of the board on routine matters not requiring board approval;
6. provide normal staff services in support of the board's activities;

7. notify, in writing, the appropriate appointing authority of the pending expiration of the term of each board member;

8. receive all reports filed by political committees and candidates pursuant to the provisions of the Campaign Finance Disclosure Act;

9. receive all complaints filed pursuant to the provisions of any law within the board's jurisdiction;

10. receive all reports filed pursuant to the provisions of the Lobbyist Disclosure Act;

11. receive all requests for advisory opinions and forward copies of same to each board member; and

12. schedule appearances at convened meetings of the board or any panel thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1290 (October 1997).

§302. Oaths and Affirmations

A. The executive secretary, if a notary, shall have power to administer oaths in matters related to the business of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1290 (October 1997).

Chapter 4. Designated Duties of the Ethics Administrator

§401. Duties of the Ethics Administrator

A. The ethics administrator or his designee shall:

1. serve as general counsel to the board and shall provide general office management;
2. assume, carry out, and generally discharge those responsibilities incumbent upon the ethics administrator, as determined by class specifications published by the Department of Civil Service;
3. conduct educational activities and seminars regarding any law within the board's jurisdiction open to all public servants in all state and local agencies and persons who do business with such agencies;
4. provide information and material, in booklet form, by seminar or by other means, to any individual appointed to a public board or commission regarding the provisions of the *Code of Governmental Ethics* applicable to such appointed positions;
5. publish newsletters and information bulletins regarding any law within the board's jurisdiction;
6. provide oral information and training regarding campaign finance disclosure, lobbying, and ethics;

7. manage the computerized data management system for the collection and dissemination of any material or reports required to be filed with the board pursuant to any law within its jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1290 (October 1997).

§402. Oaths and Affirmations

A. The ethics administrator, if a notary, shall have power to administer oaths in matters related to the business of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1290 (October 1997).

Chapter 5. Designated Duties of the Trial Attorney

§501. Designation

A. The chairman, with the concurrence of a majority of the board, shall, with respect to each case in which charges have been filed and noticed for public hearing, designate an attorney to serve as trial attorney. The chairman shall make such designation, to the extent practicable, at the time charges are filed. Thereafter, the chairman may change the designation upon notice to the respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1290 (October 1997).

§502. Duties

A. It shall be the responsibility of the trial attorney to marshal the evidence with respect to the proposed public hearing, cause all subpoenas and subpoenas duces tecum to be issued, and to present evidence and argument during the course of the public hearing in support of the stated charges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1290 (October 1997).

§503. Ex Parte Communications

A. The designated trial attorney shall refrain from *ex parte* communications with the board and attorneys designated to advise the board or responsible for assisting in writing the opinion of the board, except as is otherwise specifically provided for in the Administrative Procedure Act, §960.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§504. Disqualification

A. With respect to a particular public hearing, the trial attorney shall not give nor shall the board receive advice and counsel, and shall be disqualified from any authority or

responsibility with respect to the formulation of the board's opinion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

Chapter 6. Advisory Opinions

§601. General Requirements

A. The board shall receive requests for advisory opinions filed with it by affected persons. Requests for advisory opinions shall be in writing, state the name and address of the person requesting the advisory opinion, disclose his interest in the question presented, state the governmental agency and/or individual involved, specifically describe the transaction involved, be signed by the person making the request, and state sufficient facts to enable the board to respond. The board may decline to render an opinion with regard to any such request.

B. The board may on its own motion render an advisory opinion regarding any law within its jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§602. Dating and Docketing

A. The ethics administrator shall cause the date of receipt to be noted on each request for an advisory opinion. A docket shall be maintained upon which each request shall be given an appropriate caption and number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§603. Placement on Agenda

A. All requests for advisory opinions shall be placed for consideration on the general or consent agenda as soon as practicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§604. Consent Agenda

A. The staff shall research and prepare a consent agenda of proposed advisory opinions consisting only of those advisory opinions which are based on and consistent with prior opinions and decisions of the board or its predecessors.

B. The board may review and revise any opinion prepared by the staff contained on the consent agenda.

C. If a member of the board objects to considering a proposed advisory opinion on the consent agenda, the item shall not be considered on the consent agenda but shall be placed on the general agenda.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§605. Emergency Opinions

A. Where the ethics administrator, upon receipt of a request for an advisory opinion, determines that an emergency exists and that said opinion must be rendered prior to the next regularly scheduled meeting of the board, the ethics administrator may, after consultation with the chairman of the board, issue an advisory opinion, in writing. Such opinion, issued by the ethics administrator, may be relied upon with impunity until such time as the board adopts a contrary or qualifying opinion. Such opinion, issued by the ethics administrator, shall be placed on the general agenda at the next meeting of the board at which time the board shall either confirm, modify, or reject the opinion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§606. Presentation of Requests

A. All requests for advisory opinions shall be presented to the board by the staff at a public meeting. Following the presentation, the board shall decline the request, defer action thereon pending further fact-finding, declare its opinion, or take the request under advisement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§607. Withdrawal

A. The board may allow a request for an advisory opinion to be withdrawn if the person who submitted the request provides written reasons for withdrawal which the board deems sufficient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§608. Notification

A. The staff of the board shall provide the person requesting an advisory opinion written notification of the board's action within 30 days after such action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§609. Reconsideration

A. Any affected person may file a request for reconsideration of an advisory opinion rendered by the board. No such request shall be considered by the board unless it is received by the staff within 30 days from the date of mailing of the advisory opinion which is the subject of the request for reconsideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1291 (October 1997).

§610. Finality

A. An advisory opinion rendered by the board shall be final on the date of mailing of the advisory opinion, if there has been no timely request for reconsideration of the advisory opinion in accordance with §609, or thereafter upon order of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 26:627 (April 2000).

§611. Persons to be Heard

A. At any time during the board's general agenda, opportunity to appear before the board shall be provided to persons who would like to comment on an item of the board's general agenda, excluding those items scheduled as adversarial public hearings.

B. Subject to the provisions of this Section, the chairman shall have the authority to regulate the course of comments in connection with an item before the board, including the authority to begin and terminate the consideration of an item before the board, to continue consideration of the item to another time or location, and to limit comments which would be excessively cumulative or not related to the purpose of the matter; provided that nothing herein shall be construed to prevent the right of any citizen to speak at a public meeting.

C. Any person requesting to appear before the board, shall notify the executive secretary of their interest in the matter, and the group, organization or company they represent, if any, prior to the item being called by the board for consideration. Regarding comments provided before the board, the chairman shall give first preference for speaking to the person submitting the item to the board and second preference to any person who is the subject of the matter submitted. Thereafter the chairman shall allow those persons who have notified the executive secretary of their wish to appear before the board in order of the receipt of said notification. The chairman may fix the maximum amount of time that each person has to provide comments. The chairman shall allot the time in an equitable manner among those persons who are to be heard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2668 (December 2004).

Chapter 7. Complaints

§701 General Requirements

A. The board shall consider any signed complaint from any elector concerning a violation of any law within its jurisdiction or the regulations or orders issued by the board. The complaint may be based on firsthand knowledge or on information and belief. Upon consideration of a complaint, the board may close the file, refer the complaint to

investigation, or take such other action as it deems appropriate.

B. If the board receives a signed sworn complaint from any elector that does not present a potential violation of any law within its jurisdiction or the regulations or orders issued by the board, the board shall not initiate an investigation and will notify the complainant that the board declined to initiate an investigation and, accordingly, closed the file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997), amended LR 30:2668 (December 2004).

§702. Dating and Docketing

A. The executive secretary shall cause the date of receipt to be noted on each complaint. The complaint shall be deemed filed only upon the board's initial consideration of same at a convened meeting. A docket shall be maintained upon which each complaint shall be given an appropriate caption and number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997).

§703. Consideration of Information Concerning Possible Violations

A. Except as otherwise provided by law, the board may, by two-thirds majority vote (eight votes) of its membership, consider any matter which it has reason to believe may be a violation of any law within its jurisdiction including, but not limited to, a notice or report sent to the board by the legislative auditor or the inspector general, and on such consideration may close the file, refer the matter to investigation, or take such other action as it deems appropriate.

B. If less than eight members of the board are participating at a convened meeting, then any matters described in §703.A shall be returned by the executive secretary to the board's agenda for the next scheduled meeting.

C. If at least eight members of the board are participating at a convened meeting, then a vote shall be taken on any matters described in §703.A, and such vote shall be conclusive as to each such matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997).

§704. Notification

A. The executive secretary shall mail by certified mail a certified copy of the vote and explanation of the matter to the subject of the non-sworn complaint or other matter as provided in §703 of these rules within 10 days after the vote occurs.

B. The executive secretary shall mail by certified mail a copy of the sworn complaint if one has been submitted to the board to the subject of the sworn complaint and the complainant within 10 days after the sworn complaint is received and considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997), amended LR 30:2668 (December 2004).

§705. Fact-Finding

A. The board may, by majority vote of its participating members, refer media reports or verbal reports to fact-finding. The ethics administrator or his designee shall only engage in the requesting of a written response from the person who is the subject of the fact-finding and shall return the matter in not more than 60 days to the board's agenda, at which time the board shall take such action as it deems necessary including, but not limited to, voting to consider a matter, as provided in §703 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997).

§706. Withdrawal

A. If the complainant wishes to withdraw the complaint prior to the board's commencement of its investigation, withdrawal shall be allowed, except in cases where the board, by two-thirds majority vote of its membership, determines the issues to be of such importance as to warrant ordering the investigation in its own right and in the interest of the public welfare.

B. The executive secretary shall notify the complainant, by mail, of the board's decision with respect to the complainant's request for withdrawal within 10 days after the vote occurs. If the board votes to continue its investigation, then the notice provisions of §704 of these rules shall apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997).

§707. Elections Integrity

A. Except as otherwise provided in §707, the general provisions relating to complaints shall apply to complaints filed regarding violations of elections integrity.

B. The board may investigate violations of elections integrity only upon receipt of a sworn statement by any voter of this state alleging error, fraud, irregularity, or other unlawful activity in the conduct of an election for the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, commissioner of elections, commissioner of agriculture, commissioner of insurance, United States Senator, United States Congressman, public service commissioner, member of the state Board of Elementary and Secondary Education, and justice of the Supreme Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997).

§708. Complaints; Action by the Board

A. The board shall have one year from the date upon which a sworn complaint is received to either dismiss the complaint or file formal charges.

1. The board shall consider any signed sworn or non-sworn complaint from any elector concerning a violation of any law within its jurisdiction or the regulations or orders issued by the board. The complaint may be based on firsthand knowledge or on information and belief. Upon consideration of a complaint, the board may close the file, refer the complaint to investigation, or take such other action as it deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997), LR 30:2668 (December 2004).

Chapter 8. Investigations

§802. Board Investigation

A. When the board orders an investigation, once the investigation is completed and the report reviewed by the board, the board shall decide whether:

1. further investigation is necessary;
2. charges should be filed and the case noticed for public hearing;
3. a consent opinion should be offered; or
4. the file should be closed in order to serve the public interest or because no violation occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997).

§803. Panel Recommendation; Procedure

A. If an investigation is ordered by a panel, once the investigation is completed and the report reviewed by the panel, the panel shall make a recommendation to the board that:

1. further investigation is necessary;
2. charges should be filed and the case noticed for public hearing;
3. a consent opinion should be offered; or
4. the file should be closed in order to serve the public interest or because no violation occurred.

B.1. After receiving the panel's recommendation, the board shall determine whether to accept the panel's recommendation or to take such other action as it deems appropriate.

2. If the board decides to close its file, the executive secretary shall provide written notification to the subject of the investigation and the complainant within 10 days of the ruling.

3. If the board decides to hold a public hearing, the board must decide, on a case by case basis, whether the public hearing shall be held before the board, the board sitting en banc, or referred back to the appropriate panel for public hearing. All public hearings shall be subject to the provisions of Chapters 10, 11, and 12 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997).

Chapter 9. Consent Opinions

§901. General

A. The board may, in its sole discretion, offer consent opinions to those persons alleged to have violated any law within its jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997).

§902. Procedures

A. If the board decides to offer a consent opinion, it shall direct its staff to prepare a draft to be sent to the subject of the allegation for acceptance, modification, or rejection. If the subject of the allegation accepts the terms of the proposed consent opinion, then the opinion shall be placed on the board's executive agenda for review. The board shall have the option to reject a proposed consent opinion and take further appropriate action. If the opinion is accepted by the board, the opinion shall be placed on the board's general business agenda for adoption and publication. If the subject of the allegation refuses the offer, then the item shall be placed upon the board's agenda for further action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997), amended LR 30:2669 (December 2004).

Chapter 10. Hearings

§1001. Private Hearings

A. The procedure governing private hearings shall be, to the extent practicable, identical to the procedure set forth below governing public hearings, except that private hearings shall be closed to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997).

§1002. Initiating Public Hearings

A. Public hearings shall be initiated by order of the board through the issuance of charges.

B. The charges shall contain:

1. the name of the person charged;
2. the date of the meeting at which the board voted to file charges;
3. the allegations which will be explored at the public hearing and the pertinent provisions of law alleged to have been violated;
4. the date, time, and location, if fixed, of the public hearing. Otherwise, the board shall, in supplemental correspondence, inform the person charged of the date, time, and location of the public hearing; and
5. the name of the trial attorney, if designated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997).

§1003. Assigning Public Hearings

A. The board or a panel thereof shall fix the time and place for the public hearings.

B. For cause considered justifiable, the board or a panel thereof, the chairman, or its executive secretary, may upset any fixing and give the hearing a special assignment both as to time and place, with appropriate notification to all interested parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997).

§1004. Place of Public Hearing

A. Subject to the provisions of §1004.B, all public hearings before the board, or a panel thereof, shall be conducted at a convenient place, accessible to the public, in the Parish of East Baton Rouge, Louisiana.

B. The board, or a panel thereof, may direct that a public hearing be conducted in the parish wherein the public servant or person alleged to have violated any provision of law within the jurisdiction of the board resides or in the parish of the official domicile of any office or employment held by the person charged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1294 (October 1997).

§1005. Notice of Public Hearings

A. The executive secretary shall cause notice of public hearings to be posted on the board's website and mailed to requesting parties at least five days prior thereto, except as otherwise specifically provided in Section 1141(E) of the Code of Governmental Ethics or in the case of emergencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1294 (October 1997), amended LR 30:2669 (December 2004).

§1006. Continuance of Public Hearings

A. A public hearing fixed and not reached shall be refixed by the board.

B. The board, a panel thereof, the chairman, or its executive secretary may, for cause deemed sufficient, grant or order, with respect to any one or more respondents involved, a continuance of any public hearing; and, in the board's discretion, the public hearing may proceed as to those respondents to whom no continuance was granted.

C. With the board's approval, a hearing may be continued by consent of all interested parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1294 (October 1997).

§1007. Procedure in Hearings

A. Except in the case of private hearings, all hearings conducted under the provisions of this Chapter shall be open to the public.

B. Respondents and witnesses shall be subject to cross-examination as in trials before the district courts of the state; each member of the board may also examine and cross-examine any witnesses.

C. The board may require that the respondent and trial attorney stipulate to all undisputed facts.

D. When a pending case involves substantially the same question of law or fact as presented in a prior public hearing, the board, at the request of the trial attorney, a respondent, a respondent's attorney, or on its own motion, may admit as evidence any part of the record of such previous public hearing as it or he may deem relevant; provided, that in the application of this rule no respondent or the trial attorney shall be deprived of the right to cross-examine any adverse witness.

E. The board may, in any case on its own motion, invite or allow any member or members of the Louisiana State Bar Association to present oral or written argument on any question of law, provided such oral argument is presented at a hearing when all parties are present, or represented, or that a copy of all written arguments be served on all parties, or their counsel, if any. Service of such written argument shall be made, by mail, by the executive secretary within two working days of the receipt thereof by him.

F. The charges filed against a respondent shall create no presumption that the respondent violated any provision within the board's jurisdiction.

G. When, during the course of a hearing, a ruling by the board is to be made, the presiding member may rule, and his ruling shall constitute that of the board; provided, that should an objection be made to such ruling by a member of the board, said ruling shall be immediately resolved by a majority vote of those members of the board present.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1294 (October 1997).

§1008. Evidence

A. Except as otherwise provided in the Administrative Procedure Act, the board may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. The board may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record.

B. The board may limit corroborative evidence.

C. When a ruling is made excluding evidence, counsel may dictate into the record as a proffer available to be considered in the case of appellate review, the facts to be proven if the excluded evidence had been admitted.

D. The charges may be enlarged to conform with the evidence admitted.

E. The board shall give effect to the rules of privilege recognized by law.

F. All evidence, including records and documents in the possession of the board of which it desires to avail itself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence. The authenticity of any such copies shall be presumed.

G. The board may take notice of judicially cognizable facts and federal census data.

H. The board may take notice of the provisions of any law within its jurisdiction without the necessity of an offer in evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1294 (October 1997).

§1009. Subpoena of Witnesses and Production of Documents

A. The board, the ethics administrator, the executive secretary, and any specially designated agent of the board, shall have power to order the appearance of witnesses and to compel the production of books and papers pertinent to the issues involved in any public hearing.

B. Any respondent desiring the issuance of a subpoena for any witness at a public hearing must apply for it, in writing, at least 10 days before the date fixed for the hearing and must give the name and physical address of the witness to whom the subpoena is to be directed.

C. In lieu of the issuance and service of formal subpoenas to state employees, the board or any person authorized by §1009.A may request any agency to order any designated employee under its supervision to attend and testify at any public hearing; and, upon being so ordered, the employee shall appear and furnish testimony.

D. Any respondent desiring the production of books, papers, photographs, or other items at any public hearing must apply for an appropriate order, in writing, at least 10 days before the date fixed for the hearing. Such application must describe the books or papers to be produced in sufficient detail for identification, must give the full name and physical address of the person required to make such production and the materiality of their production to the issues must be certified to by the respondent or his counsel.

E. A subpoena duces tecum issued pursuant to §1009 shall be returnable at the public hearing or at such earlier date, time, and place as specified therein.

F. Authenticated copies of books, papers, photographs, or other items in the custody of any agency of the state, or any subdivision thereof, which have been subpoenaed may be admitted in evidence with the same effect as the originals, but if original books, papers, photographs, or other items are subpoenaed, they must be produced and made available for inspection, even though authenticated copies may be subsequently introduced.

G. The board or its chairman may, for cause deemed sufficient, issue an appropriate order at any time recalling any subpoena, subpoena duces tecum, or request issued by it or him under the provisions of this rule. The respondent may likewise obtain an order from the board recalling any subpoena, subpoena duces tecum, or request issued or caused to be issued by him.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1295 (October 1997).

§1010. Exclusion of Witnesses

A. The board, on request of any respondent, an attorney for a respondent or the trial attorney, shall, or on its own motion, may order that the witnesses in any hearing be excluded so as to preclude any witnesses, other than the respondents, their attorneys and the trial attorney, from hearing the testimony of any other witnesses. If so ordered, all witnesses shall be administered an oath and admonished not to discuss their testimony until the conclusion of the proceeding, except with counsel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1295 (October 1997).

§1011. Summary Disposition of Charges

A. At any time after the filing of charges, any respondent may file with the board a written request for summary disposition thereof, in the form of a motion or exception and in accordance with the provisions of §1102, on any of the following grounds:

1. that the board lacks jurisdiction of the subject matter, or of the respondent;

2. that the charges have not been initiated in the manner prescribed by the rules;

3. that the charges, if true, would not constitute a violation of the code;

4. that the time in which to commence action, as provided by any law within the board's jurisdiction, has passed; and

5. that the affidavits and other documents filed in connection with the charges show that there is no genuine issue of material fact, and that the respondent is entitled to summary dismissal as a matter of law.

B. Any request for summary disposition, when made prior to the date fixed for the hearing, may be supported by sworn affidavits and shall be accompanied by written argument or brief. The board may require that copies of the motion and affidavits be furnished to the trial attorney and any other respondents, and may invite opposing motions and affidavits within a specified time.

C. When a request for summary disposition has been filed with the board in any proceeding, the trial attorney for the board shall submit oral or written argument or brief in connection therewith and provide the respondent or his attorney with a copy thereof.

D. If the board denies the request for summary disposition or refers it to the merits, it may reconsider same at any time.

E. The board may at any time, on its own motion, summarily dispose of charges on any of the grounds listed in §1011.A.

F. When the board disposes summarily of a charge or charges, its decision shall be final on the date of publication of the board's opinion, disposing of the case. The executive secretary, thereafter, shall give the interested parties notice of the decision within 10 days thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1295 (October 1997).

§1012. Consolidation of Public Hearings

A. When public hearings of two or more respondents involve similar or related circumstances, the board may, on its own motion, on motion of the trial attorney or on motion of a respondent, order a joint hearing of all respondents or may order separate hearings for specified respondents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1295 (October 1997), amended LR 26:627 (April 2000).

§1013. Transcripts of Public Hearings

A. The proceedings of all public hearings shall be recorded, but shall be transcribed only upon order of the board or upon request made by a respondent therein, accompanied by proffer of such cost as may be determined by the executive secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1296 (October 1997).

§1014. Witness Fees in Public Hearings

A. The travel expenses of an officer or employee of a state agency who is required to appear before the board shall be paid by the agency which employs him.

B. The board may order that any person who is not an officer or employee of a state department and who is subpoenaed to testify at a public hearing shall be entitled to the same mileage and fees as are allowed witnesses in civil cases by the Nineteenth Judicial District Court for the Parish of East Baton Rouge.

C. If a witness is subpoenaed by a respondent, the board may order the same cost of witness fees and mileage to be paid by such respondent.

D. The board or the executive secretary may, before issuing a subpoena, require the party requesting the subpoena to deposit with the executive secretary a sum sufficient to cover the mileage costs and witness fees, pending a determination of costs by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1296 (October 1997).

§1015. Costs of Public Hearings

A. The board may, in its discretion, order the costs of any public hearing, or any portion of such costs, including the costs of recording and transcribing testimony, to be paid by or charged to either the board's funds or the respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1296 (October 1997).

§1016. Interlocutory Rulings

A. Formal exceptions to the interlocutory rulings or orders of the board are unnecessary.

B. The board may, at any time prior to a final decision, recall, reverse, or revise any interlocutory ruling or order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1296 (October 1997).

§1017. Board Action Following Public Hearings

A. Following the close of a public hearing, the board may either render its decision or take the matter under advisement. In either event, the board may deliberate in

general or executive session for the purpose of reaching a determination. The decision may be made orally by dictating findings of fact and conclusions of law into the record or by causing a written opinion to be confected. If the matter is taken under advisement, the board shall have 90 days within which to render a decision.

B. In the event the board chooses to publish a written opinion, the board shall not receive assistance from the trial attorney in drafting and publishing its written opinion.

C. Except as otherwise specifically ordered by the board, the decision of the board shall be final:

1. on the date of mailing of notice to the respondent of the board's decision, along with a certified copy of the approved minutes of the board, if the board renders its decision orally; or

2. on the tenth day following the publication of its opinion, if the board chooses to have a written opinion confected, if there has been no timely application for rehearing in accordance with §1019.

D. The executive secretary shall notify the person charged and the complainant of the board's decision, in writing, within 10 days of the board's final decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1296 (October 1997).

§1018. Rehearings

A. Any person aggrieved may apply to the board for a rehearing, in writing, within 10 days from the date the board's decision becomes final. The grounds for an application for a rehearing shall be that:

1. the decision or order is clearly contrary to the law and the evidence;

2. the party has discovered, since the hearing, evidence important to the issues which he could not have, with due diligence, obtained before or during the hearing;

3. there is a showing that issues not previously considered ought to be examined in order to properly dispose of the matter; or

4. there is other good ground for further consideration of issues and the evidence in the public interest.

B. The application of an aggrieved party for a rehearing shall set forth the grounds which justify such action and shall be accompanied by a written brief or argument in support thereof.

C. In the event the board grants a rehearing, a time and place for the rehearing shall be fixed, and the rehearing shall be confined to those grounds upon which the rehearing was ordered.

D. If an application for rehearing is timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1296 (October 1997).

Chapter 11. Pre-Hearing Procedure

§1101. Discovery

A. Any public servant or other person who has been notified that he is to be the subject of a public hearing pursuant to the provisions of R.S. 42:1141(E), shall be entitled to the following if written request to the executive secretary is made at least 15 days prior to the date of the scheduled hearing:

1. a certified copy of the transcript of the private hearing, in the event there was a private hearing;

2. the name and address of each individual that the staff intends to call at the proposed hearing, together with any written statements obtained by the staff from such persons;

3. a copy of each physical document that the board's staff intends to introduce before the board at the proposed hearing.

B. The trial attorney and any respondent may obtain discovery regarding any matter, not privileged, which is relevant to the pending public hearing. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

C. The trial attorney and any respondent may take depositions on oral examination, and pursuant to the provisions of applicable *Code of Civil Procedure* articles, to the extent practicable, of those persons whose names and addresses have been furnished to the respondent pursuant to the provisions of §1101.A.2, and provided further that the taking of said depositions does not unreasonably impede the scheduled hearing. Such depositions shall be admissible in the public hearing, as ordered by the board or any panel thereof or as otherwise provided by law.

D. The trial attorney and any respondent may serve upon each other written interrogatories, pursuant to the provisions of applicable *Code of Civil Procedure* articles, to be answered by the party served within 15 days of receipt. With respect to any public hearing, written interrogatories served in accordance with this provision shall not exceed 35 in number, including Subparts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1296 (October 1997).

§1102. Motions and Exceptions

A. Motions and exceptions may be made before, during, or after a public hearing. All motions and exceptions shall be filed at least five days prior to the day when the motion or exception is sought to be heard, except for good cause as determined by the board.

B. Motions and exceptions made before or after the public hearing shall be in writing and shall be accompanied by a memorandum which shall set forth a concise statement of the grounds upon which the relief sought is based and the legal authority therefore.

C. Motions and exceptions made during the course of the public hearing may be made orally since they become part of the transcript of the proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1297 (October 1997).

§1103. Pre-Hearing Notices

A. By order of the board or any panel thereof and not less than 10 days prior to a public hearing, the trial attorney and any respondent shall mutually exchange pre-hearing notices which shall set forth:

1. a brief but comprehensive statement of the party's contentions, including a list of the legal authorities to be relied upon at the hearing in support of the party's legal position;
2. a detailed itemization of all pertinent facts established by stipulations and admissions;
3. a detailed itemization of the contested issues of fact;
4. a detailed itemization of the contested issues of law;
5. a list and brief description of all exhibits to be offered in evidence by a party, identified by the exhibit number to be used at the hearing. Exhibits to be used for impeachment or rebuttal need not be included on the list. Stipulations as to exhibit authenticity and/or admissibility shall be noted on the exhibit list. In addition, copies of all documents to be offered in evidence shall be attached to the notice;
6. a list of witnesses a party may call and a short statement as to the nature (but not to the content) of their testimony. Except for the witnesses listed, no other witnesses may be called to testify except for good cause shown. This requirement shall not apply to impeachment and rebuttal witnesses;
7. a statement as to any other matter not included in any of the previous headings which may be relevant to a prompt and expeditious disposition of the case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1297 (October 1997).

§1104. Pre-Hearing Conference

A. The board or panel of the board may, in its discretion or upon request of any party, require the holding of a pre-hearing conference. All parties to the hearing shall appear at the specified time and place to consider:

1. simplification of issues;
2. possibility of stipulations, admissions of facts or documents;
3. limitations on witnesses;
4. such other matters as may be pertinent.

B. If a pre-hearing conference is held, the board may issue an order setting forth the actions which took place at the conference. This order shall control the subsequent course of the proceedings unless modified by further order for good cause, and shall be binding on all parties whether or not present at the conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1297 (October 1997).

Chapter 12. Penalties

§1201. Penalties for Violations; Criteria

A. Except as otherwise provided by law or these rules, after a public hearing and upon finding a violation of any law within its jurisdiction, the board may impose penalties or other sanctions consistent with the provisions of any law within its jurisdiction.

B. In determining the amount of the penalty or the type of sanction to impose, the board may consider:

1. the nature, circumstances, extent, and gravity of the violation;
2. the degree of culpability of the person charged;
3. the person's history of previous offenses;
4. the existence of prior notice that the described conduct was prohibited;
5. the person's ability to pay;
6. the financial or other loss to the governmental entity;
7. the damage suffered by the governmental entity;
8. any other matters that justice requires.

C. Upon finding a violation of the *Code of Governmental Ethics* or any other law within its jurisdiction, the board shall have 90 days in which to determine the proper penalty and/or sanction to impose for such a violation.

D. The executive secretary shall notify the respondent, by mail, of the board's decision with respect to the assessment of penalties and/or other sanctions within 10 days of the board's final decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1297 (October 1997).

§1202. Late Filing; Notice

A. The staff shall mail by certified mail a notice of delinquency within four business days after the due date for any report or statement, of which the staff knows or has reason to know is due by the filer, that is due under any law within the board's jurisdiction which has not been timely filed.

B. If the date on which a report is required to be filed occurs on a weekend or federal or state holiday, the report shall be filed no later than the first working day after the date it would otherwise be due that is not a federal or state holiday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 26:628 (April 2000), LR 30:2669 (December 2004).

§1203. Late Filing; Automatic Penalties

A. The staff shall automatically assess and order the payment of late filing fees for any failure to timely file any report or statement due under any law within the board's jurisdiction in accordance with the appropriate fee schedule provided in §1204.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997).

§1204. Late Filing; Fee Schedule

A. Definitions. For purposes of §1204, the following definitions shall apply.

Amount of Activity means the total amount of receipts or expenditures, whichever is greater.

Person Regularly Responsible the person designated by the person required to file a report, in accordance with any law under the jurisdiction of the board, who is responsible for keeping the records and filing the reports on behalf of the required filer.

B. The staff shall impose automatic late fees according to the following schedule:

1. the late filing fees for election campaign finance reports shall be as provided in R.S. 18:1505.4;

2. the late filing fees for any lobbyist reports shall be as provided in R.S. 24:58(D);

3. the late filing fees for any report required by R.S. 42:1119(B)(2)(a)(ii) shall be as provided in R.S. 42:1119(B)(2)(a)(ii);

4. the late filing fees for any report required by R.S. 42:1119(B)(2)(b)(ii) shall be as provided in R.S. 42:1119(B)(2)(b)(ii);

5. the late filing fees for any violation of R.S. 42:1114, 1114.1 or 1124 shall be as provided in R.S. 42:1124(C).

C. An automatic late fee shall not be assessed, and if one is assessed, shall be rescinded by the staff, if the person required to file the report did not file the report for any of the following reasons which occurred on the due date or during the seven days prior to the date the report was due:

1. death of the person required to file or the person regularly responsible, or a death in their immediate family, as defined in R.S. 42:1102(13);

2. serious medical condition, in the considered judgment of the staff, which prevented the person required to file or the person regularly responsible from filing the report timely;

3. a natural disaster, an act of God, force majeure, a catastrophe, or such other similar occurrence.

D. If a report is filed more than ten days late and the amount of activity on the report is less than the amount of the late fee to be assessed, the staff may reduce the late fee to the amount of activity or 10 times the per day penalty, whichever is greater.

E. An automatic late fee shall not be assessed, and if one is assessed, shall be rescinded by the staff, if the candidate officially withdrew with the secretary of state from the election and received no contributions or loans and/or made any expenditures, excluding his qualifying fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 26:628 (April 2000).

§1205. Late Filing; Appeal and Good Cause

A. Any person assessed with automatic late filing fees may appeal, in writing, to the board within 30 days after the mailing of the assessment requiring the payment of late filing fees, setting forth the facts which tend to prove that the late filer had good cause for filing late. The late filer may request an appearance. The executive secretary shall place all such appeals on the board's agenda for consideration. If a late filer requests to make an appearance, the executive secretary shall schedule the appearance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 30:2669 (December 2004).

Chapter 13. Records and Reports

§1301. Custodian

A. The executive secretary shall be the custodian of all records, reports, and files, including electronic reports and files of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 25:24 (January 1999).

§1302. Copies

A. The public may request and obtain copies of any public documents or reports filed with the board. The fees for such copies shall be determined in accordance with the fees set by the Division of Administration.

B. Copying fees which exceed \$50 shall be by check or money order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997).

§1303. Statements Filed Pursuant to Section 1111(E) of the Code of Governmental Ethics

A. Statements filed pursuant to Section 1111(E) of the *Code of Governmental Ethics* shall:

1. be made under oath; and
2. contain:
 - a. the name and address of the elected official;
 - b. the name and address of the person employing or retaining the official to perform the services;
 - c. a description of the nature of the work and the amount of the compensation for services rendered or to be rendered; and
 - d. a brief description of the transaction in reference to which services are rendered or to be rendered.

B. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997).

§1304. Statements Filed Pursuant to Section 1114 and Section 1114.1 of the Code

A. Statements filed pursuant to Section 1114 of the Code shall:

1. be in writing on a form approved by the board;
2. be filed annually no later than May 1 and shall include the required information for the previous calendar year;
3. contain a statement by the filer that the information contained in the statement is true and correct to the best of his knowledge, information and belief, and that no information required to be disclosed by Section 1114 has been deliberately omitted; and
4. be signed by the filer.

B. Statements filed pursuant to Section 1114(A) of the Code shall contain:

1. the amount of income or value of anything of economic value derived;
2. the nature of the business activity;

3. the name and address, and relationship to the public servant, if applicable; and

4. the name and business address of the legal entity, if applicable.

C. Statements filed pursuant to Section 1114(B) of the Code shall contain:

1. the amount of income or value of anything of economic value derived;
2. the nature of the business activity;
3. the name and address, and relationship to the legislator, if applicable; and,
4. the name and business address of the legal entity, if applicable.

D. Statements filed pursuant to Section 1114(C) of the Code shall contain:

1. the amount of income or value of anything of economic value derived;
2. the nature of the business activity;
3. the name and address, and relationship to the elected official, if applicable; and
4. the name and business address of the political subdivision, if applicable.

E. The executive secretary shall maintain these forms suitably indexed.

F. Public servants who fail to accurately disclose information in statements filed pursuant to R.S. 42:1114 and R.S. 42:1141.1 may be assessed, by the board, a late fee of \$100 per day, not to exceed a maximum late fee of \$2,500, until such information is disclosed by amendment to the appropriate report.

G. For purposes of R.S. 42:1114.1B(1)(b), "third parties" shall not include employees of the members of the legislature, his spouse or any business enterprise in which such member and/or his spouse owns at least 10 percent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 26:628 (April 2000).

§1305. Statements Filed Pursuant to Section 1120 of the Code of Governmental Ethics

A. Statements filed pursuant to this Section contain:

1. the name and address of the elected official; and
2. a detailed description of the matter in question, including the description of the transaction to be voted upon as well as a description of the nature of the conflict, or potential conflict, and the reasons why despite the conflict the elected official is able to cast a vote that is fair, objective and in the public interest.

B. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 30:2669 (December 2004).

§1306. Affidavits Filed Pursuant to Section 1123(16) of the Code of Governmental Ethics

A. Affidavits filed pursuant to Section 1123(16) of the *Code of Governmental Ethics* shall:

1. be filed within 60 days of making the public speech;
2. be under oath; and
3. contain:
 - a. the name of the sponsoring group or organization; and
 - b. the amount expended on behalf of the legislator by the sponsoring group or organization on food, refreshments, lodging, and transportation.

B. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997).

§1307. Notices Filed Pursuant to Section 56(A) of the Lobbyist Disclosure Act

A. Notices filed pursuant to this Section shall:

1. be filed not less than 30 days prior to the fundraising event;
2. be in writing on a form provided by the board or a form which is substantially the same as the form provided by the board; and
3. contain:
 - a. the name of the legislator by or for whom the fundraising function is being given;
 - b. the date of the fundraising function;
 - c. the location of the fundraising function;
 - d. a statement that the information contained in the notice is true and accurate and that no required information has been deliberately omitted.

B. When filed by any one other than the legislator, the notice shall also provide the name of the individual, group or organization giving or sponsoring the fundraising function and the statement of accuracy shall be made by the individual or by a representative of the group or organization sponsoring the fundraising event.

C. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 30:2669 (December 2004).

§1308. Disclosure Forms Filed Pursuant to R.S. 39:1233.1

A. Disclosure forms filed pursuant to R.S. 39:1233.1 shall:

1. be in writing and on the form in §1910;
2. contain:
 - a. the name and address of the public servant;
 - b. the public position held by the public servant;
 - c. the name and address of the bank;
 - d. the position held with the bank by the public servant and whether that position is compensated or noncompensated; and
 - e. a description of the transaction from which the public servant recused himself from participating; and
3. be signed by the public servant.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 30:2670 (December 2004).

§1309. Disclosure Forms Filed Pursuant to R.S. 42:1119(B)(2) of the Code

A. Disclosure forms filed pursuant to R.S. 42:1119(B)(2)(a)(ii) of the Code shall:

1. be on a form approved by the board or a form which is substantially the same as the form approved by the board;
2. be filed no later than 30 days after the beginning of the school year;
3. be signed by the school board member or superintendent and contain:
 - a. the name, address, and position of the school board member or superintendent;
 - b. the name, relationship, and position of the immediate family member and the date of the family member's employment;
 - c. the parish in which the school board member or superintendent serves and the date of the commencement of such service; and
 - d. which of the following exceptions applies to the immediate family member:
 - i. classroom teacher certified to teach;
 - ii. employed by school board for more than one year prior to the school board member or the superintendent becoming a member of the school board or the superintendent; or

iii. served in public employment on April 1, 1980, the effective date of the Code.

B. Disclosure forms filed pursuant to R.S. 42:1119(B)(2)(b)(ii) of the Code shall:

1. be in writing and on a form approved by the board or a form which is substantially the same as the form approved by the board;

2. be filed no later than January thirtieth of each year;

3. be signed by the chief executive or member of the board of a hospital service district or hospital public trust authority and contain:

a. the name, address, and position of the chief executive or member of the board of a hospital service district or hospital public trust authority;

b. the calendar year for which the disclosure statement is being filed;

c. the name, relationship, and position of the immediate family member and the date of the family member's employment;

d. the name of the hospital service district or public trust authority that the chief executive or member of the board of a hospital service district or hospital public trust authority serves and the date of the commencement of such service; and

e. which of the following exceptions applies to the immediate family member:

i. employed by the hospital service district or public trust authority for more than one year prior to the chief executive or member of a board of a hospital service district or hospital public trust authority becoming the chief executive or board member for the hospital service district or hospital public trust authority;

ii. served in public employment on April 1, 1980, the effective date of the Code; or

iii. the hospital service district or public trust authority is located in a parish with a population of 100,000 or less and the family member is employed as a licensed physician or registered nurse.

C. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1300 (October 1997), amended LR 26:629 (April 2000).

§1310. Notices Filed Pursuant to Section 56.1A of the Lobbyist Disclosure Act; Fundraisers Held during a Special Legislative Session

A. Notices filed pursuant to this Section shall:

1. be filed not later than two business days after the issuance of a proclamation stating the object of a special session;

2. be in writing on a form provided by the board or a form which is substantially the same as the form provided by the board; and

3. contain:

a. the name of the legislator by or for whom the fundraising function is being given;

b. the date of the fundraising function;

c. the location of the fundraising function.

B. When filed by anyone other than a legislator, the notice shall also provide the name of the individual, group or organization giving or sponsoring the fundraising function and the statement of accuracy shall be made by the individual or by a representative of the group or organization sponsoring the fundraising event.

C. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2670 (December 2004).

§1311. Records and Reports; Accepting and Filing

A. Any record or report submitted pursuant to this Chapter shall be accepted and filed upon receipt by the staff or upon acknowledgment of receipt by the board's electronic filing system, unless the record or report is not in compliance with the requirements established by this Chapter or by law. The names of the persons submitting records and reports which are accepted and filed shall be listed on the board's agenda. The records and reports which are not in compliance with the requirements established by this Chapter or by law shall be placed upon the board's agenda for further action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1300 (October 1997), amended LR 25:24 (January 1999).

§1313. Disclosure Forms Filed Pursuant to R.S. 27:96.A and R.S. 27:261.A

A. Disclosure forms filed pursuant to R.S. 27:96.A and R.S. 27:261.A shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;

2. be filed no later than five days prior to the public officer's performance;

3. contain:

a. the name and address of the public officer;

b. the position held by the public officer;

c. the date, time and place of the performance;

d. the amount of compensation the public officer has contracted to receive for the performance; and

e. the identity of the person or entity providing the compensation;

4. include a copy of the contract.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2670 (December 2004).

§1315. Disclosure Forms Filed by Members of the Gaming Control Board Pursuant to R.S. 27:12.B

A. Disclosure forms filed pursuant to R.S. 27:12.B shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;
2. filed before confirmation of the Gaming Control Board member and annually thereafter no later than January 31 of each calendar year;
3. contain:
 - a. the name and address of the member;
 - b. the position held by the member;
 - c. all assets and liabilities, property and business interests, and sources of income of the member, the spouse of the member and the minor children of the member; and
 - d. a sworn affidavit as to its accuracy.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2670 (December 2004).

§1317. Affidavits Filed by Employees and Agents of the Gaming Division Pursuant to R.S. 27:63.B and R.S. 27:226.B

A. Affidavits filed pursuant to R.S. 27:63.B and R.S. 27:226.B shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;
2. filed at the time of appointment of the employee or agent and annually thereafter no later than May 31 of each calendar year; and
3. contain the name and address of the employee or agent and a statement that neither he nor his spouse has an interest in an applicant licensee or permittee.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2670 (December 2004).

Chapter 14. Disqualification Pursuant to the Provisions of Section 1112(C) of the *Code of Governmental Ethics*

§1401. Application

A. Every public employee, excluding an appointed member of any board or commission, shall disqualify himself from participating in a transaction involving the governmental entity when a violation of Section 1112 of the *Code of Governmental Ethics* would result.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1300 (October 1997).

§1402. Reporting Requirements; General

A. Every public employee, except an agency head, upon determining that he may be compelled to participate in a transaction involving the governmental entity in violation of Section 1112 of the *Code of Governmental Ethics*, shall immediately, and prior to such participation, report the details of the transaction, in writing, to:

1. his immediate supervisor,
2. his agency head, and
3. to the board.

B. Every agency head, upon determining that he may be compelled to participate in a transaction involving the governmental entity in violation of Section 1112 of the *Code of Governmental Ethics*, shall immediately, and prior to such participation, report the details of the transaction, in writing, to his appointing authority and to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1300 (October 1997).

§1403. Reporting Requirements; Impact on Governmental Entity and Alternative Measures

A. Upon receipt of such written communication from the public employee, the immediate supervisor of the public employee, as well as the agency head (or appointing authority, if applicable), shall immediately, and prior to such participation by the public employee, provide the board, in writing, with a report concerning the impact on the efficient operation of the governmental entity of the potential participation by the public employee and shall provide the board with reports as to alternative measures available to the public employee to prevent participation in the prohibited transaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1300 (October 1997).

§1404. Action by the Board

A. The proposed disqualification procedure shall be implemented by the public employee and his immediate supervisor, and the public employee shall otherwise refrain from participating in the potential transaction until such time as the board has, in writing, provided the public employee, his immediate supervisor, and his agency head with instructions as to the procedure to avoid participation in the prohibited transaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1300 (October 1997).

Chapter 16. The Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act

§1601. General

A. The Campaign Finance Disclosure Act provides that the board shall function as the Supervisory Committee on Campaign Finance Disclosure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1301 (October 1997).

§1602. Political Committees; Names

A. The name of a political committee shall not be the same as, nor deceptively similar to, the name of any other political committee.

B. The name of a political committee organized to support one candidate shall contain the name of that candidate.

C. The name of a political committee supporting or opposing more than one candidate shall not contain the name of an individual, unless the name of the committee in some way clearly reflects that it is not a committee supporting or opposing only that individual.

D. When a political committee uses an acronym in addition to its complete name, each document filed with the supervisory committee shall contain the complete name of the political committee, with the acronym in parenthesis.

E. When the name of a political committee contains a number, the number shall be spelled out in the name and the numerical symbol(s) placed in parenthesis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1301 (October 1997).

§1603. Political Committees; Filing Fees

A. A fee of \$100 shall be remitted to the supervisory committee with each statement of organization required to be filed by a political committee.

B. The \$100 fee shall be due only once per calendar year per committee. In the event that an amended statement of organization is filed by a political committee, no additional fee is required to be paid.

C. All fees paid in compliance with §1603 shall be by check drawn upon the designated depository of the political committee.

D. Certificates of registration will be issued to political committees only after a sufficient time has elapsed to insure that the check used to pay the required fee has been paid by the bank upon which it is drawn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1301 (October 1997).

§1604. Registration and Reporting; Forms

A. The staff shall prepare and provide upon request, forms for the registration and reporting by political committees and reporting by candidates. The forms may be provided on paper or in electronic format.

B. No registration or report submitted by a political committee or report submitted by a candidate will be filed with the board unless:

1. the registration or report is on the proper form, as approved by the board, or a form which is substantially the same as the form approved by the board; and

2. as to political committees, the registration or report is signed by the appropriate representative of the political committee filing the document; or

3. as to candidates, the report is signed by the candidate.

C. The method of signature for reports electronically filed shall be as provided in §1803.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1302 (October 1997), amended LR 25:24 (January 1999), LR 26:629 (April 2000), LR 30:2671 (December 2004).

§1605. Provisional Registration and Reporting

A. Any political committee or candidate who submits a registration or report that is not on the required form shall have 10 days, from the date of receipt by the staff of the information submitted, to file the required form. If the provisions of §1605 are met, then the registration or report form shall be retroactively considered as filed on the same date the original registration or report was submitted. Any submission that was not on the proper form and which is not submitted on the correct form within the 10-day period shall not be filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1302 (October 1997).

§1606. Registration and Reporting; Incomplete and Incorrect Forms

A. The staff may, without board action, request additions and corrections to any registration or report filed by a political committee or report filed by a candidate or other person which would constitute a minor violation of the Campaign Finance Disclosure Act. However, the staff shall report any uncorrected or material violations of the Campaign Finance Disclosure Act to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1302 (October 1997).

§1607. Registration and Reporting; Dating, Numbering and Filing

A. The staff shall establish a procedure for the dating, indexing, and filing of all registrations and campaign finance disclosure reports received by the board as supervisory committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1302 (October 1997).

§1608. Return of Funds Accepted by a Legislator during a Legislative Session

A. A legislator who wishes to accept a contribution, loan, or transfer of funds during a regular legislative session as a candidate for an office described in R.S. 18:1505.2Q(3)(b) must open a bank account, separate from any existing campaign or personal accounts, into which such contributions, loans, or transfer of funds are deposited.

B. A legislator who determines he will not seek the office for which he accepted funds during a regular legislative session, or who fails to qualify for the office for which funds were collected, must return each such contribution, loan, or transfer collected during the regular legislative session which remains unencumbered or unexpended for expenses directly related to his campaign for an office other than a federal office, no later than 30 days after the legislator determines he will not seek the office, after the close of the qualifying period for the office declared by the legislator and for which he did not qualify, or after the close of the qualifying period in which he qualified for an office other than one described above, whichever occurs first.

C. In determining whether a contribution, loan, or transfer was expended or encumbered for expenses directly related to a campaign, a "first in, first out" basis of accounting shall be used, with the candidate deemed to have expended funds as they were collected. Funds still on hand, and therefore subject to return, will be the latest funds collected.

D. To determine whether the expenditure or encumbrance was directly related to an office described in R.S. 18:1505.2Q(3)(b), other than a federal office, the Supervisory Committee will examine the nature of

expenditures made or debts incurred including the nature of the advertising, geographic distribution of the advertising, and whether the advertising specifically promoted the elected official for a particular office. Expenditures other than advertising will be examined using similar criteria.

E. Any loans accepted by a legislator in accordance with R.S. 18:1505.2Q(3)(a)(ii) may be repaid at any time with funds collected during a regular legislative session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2687 (December 2004).

§1609. Return of Funds Accepted by the Governor during a Legislative Session or 30 Days

A. A governor who wishes to accept a contribution, loan, or transfer of funds during a regular legislative session or within 30 days thereafter as a candidate for an office described in R.S. 18:1505.2R(3)(b), must open a bank account, separate from any existing campaign or personal accounts, into which such contributions, loans, or transfer of funds are deposited.

B. A governor who determines he will not seek the office for which he accepted funds during a regular legislative session or within 30 days thereafter, or who fails to qualify for the office for which funds were collected, must return each such contribution, loan, or transfer collected during the regular legislative session, or within 30 days thereafter, which remains unencumbered or unexpended for expenses directly related to his campaign for an office other than a federal office, no later than 30 days after the governor determines he will not seek the office, after the close of the qualifying period for the office declared by the governor and for which he did not qualify, or after the close of the qualifying period in which he qualified for an office other than one described above, whichever occurs first.

C. In determining whether a contribution, loan, or transfer was expended or encumbered for expenses directly related to a campaign, a "first in, first out" basis of accounting shall be used, with the candidate deemed to have expended funds as they were collected. Funds still on hand, and therefore subject to return, will be the latest funds collected.

D. To determine whether the expenditure or encumbrance was directly related to an office described in R.S. 18:1505.2R(3)(b), whichever is applicable, other than a federal office, the Supervisory Committee will examine the nature of expenditures made or debts incurred including the nature of the advertising, geographic distribution of the advertising, and whether the advertising specifically promoted the elected official for a particular office. Expenditures other than advertising will be examined using similar criteria.

E. Any loans accepted by the governor in accordance with R.S. 18:1505.2R(3)(a)(ii) may be repaid at any time with funds collected during or after a regular legislative session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2687 (December 2004).

§1610. Monthly Reporting by Political Committees

1. If a political committee, other than a principal or subsidiary campaign committee of a candidate, chooses to file campaign finance disclosure reports on a monthly basis, written notification must be provided to the supervisory committee no less than 45 days prior to the next campaign finance disclosure report required by R.S. 18:1491.6 to be filed by the political committee.

2. Such notification must be in writing on a form provided by the supervisory committee or a form which is substantially similar to the form provided by the supervisory committee, and be signed by the chairman of the political committee.

3. Upon receipt of the written notification from the political committee by the supervisory committee, the political committee shall file reports by the tenth of each month if the political committee accepted a contribution or some other receipt, or made an expenditure or some other disbursement during the preceding month. If the political committee is required to file a monthly report, the political committee shall begin filing monthly reports no later than the next month after which notification is received by the supervisory committee.

4. If a political committee intends to cease filing reports on a monthly basis written notification must be provided to the supervisory committee prior to the due date of the next monthly report; thereafter, the political committee must file the next monthly report and then commence filing reports in accordance with R.S. 18:1491.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2671 (December 2004).

Chapter 17. Random Drug Testing for Elected Officials

§1719. Elected Officials; Duties and Rights

A. Upon receipt of notification, the elected official has a duty to report to the designated collection site within 32 hours to submit a sample for testing.

B. The elected official has a right to receive from the designated representative a copy of the results of the test and the confirmation by the medical review officer, if necessary.

C. The elected official must, at the request of the designated representative, authorize the release of his medical records to the designated representative for review by the medical review officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1895 (October 1998).

Chapter 18. Electronic Filing

§1801. In General

A. The board recognizes the importance of immediate public access to publicly disclosed information. Accordingly, the board has implemented a system to allow ethics, lobbyist, and campaign finance disclosure reports to be electronically filed.

B. To file electronic reports, a filer must complete and submit the affidavit provided by the board to obtain a password for electronic filing. The affidavit should be completed and received by the board at least five business days prior to the reporting deadline. All filers whose affidavits are received at least five business days prior to a reporting deadline will be issued a user ID and a password for the next reporting deadline.

C. Although a filer using the electronic filing software system has until midnight on the day of a filing deadline to electronically file a report, staff support is only available during regular business hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999), amended LR 30:2672 (December 2004).

§1802. Methods of Filing

A. The board may allow reports to be electronically filed via modem, diskette, or through Internet access.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999)

§1803. Validation of Reports

A. Upon receipt of an electronically filed report, the staff of the board shall cause a validation of receipt to be sent to the filer via facsimile, electronic mail, or United States mail.

B. Electronically filed reports shall include a digital signature created according to the methodology included in the board's electronic filing system.

C. Reports required to be filed under oath may be submitted electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999), amended LR 30:2672 (December 2004).

§1804. Time of Filing

A. A report electronically filed shall be deemed timely if received electronically by midnight on the filing deadline. The system time of the board's system shall control in the event of a dispute as to the time of receipt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999).

§1805. Refusal of Electronic Reports

A. The staff of the board may refuse to accept for filing an electronic report that contains a computer virus which could compromise the computer system of the board. The filer shall be immediately notified of the refusal so that an alternative method of delivery may be attempted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999).

Chapter 19. Lobbyist Disclosure Act

§1901. In General

A. The Lobbyist Disclosure Act provides that the Board of Ethics shall administer and enforce the provisions of the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:624 (April 1999).

§1902. Filing Fees

A. Lobbyist registration fees submitted pursuant to R.S. 24:53 shall be made by check or money order payable to the Board of Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:624 (April 1999), amended LR 30:2672 (December 2004), repromulgated LR 31:620 (March 2005)

§1903. Registration and Reporting Forms

A. The staff shall prepare and provide upon request, forms for the registration and reporting of lobbyists. The forms may be provided on paper or in electronic format.

B. No registration or report filed by a lobbyist will be dated and filed with the board unless the registration or report is on the proper form as provided by the staff.

C. The method of signature shall be as provided in §1803.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:624 (April 1999), amended LR 26:629 (April 2000).

§1904. Registration and Reporting; Dating, Numbering and Filing

A. The staff shall establish a procedure for the dating, indexing, and filing of all Lobbyist registration and Lobbyist Disclosure reports received by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:624 (April 1999).

§1906. Personal Financial Disclosure Form

Appendix A
Personal Financial Disclosure Form
for Governors and Gubernatorial Candidates
Filed pursuant to LSA_R.S. 42:1124

1. FULL NAME	2. SPOUSE'S FULL NAME
3. RESIDENCE ADDRESS	
4. SPOUSE'S OCCUPATION (IF ANY)	
5. SPOUSE'S PRINCIPAL BUSINESS ADDRESS	
6. This report covers calendar year _____	
7. Check if Amended Report _____	

Note: Where amounts are required herein, indicate such amounts by use of one of the following categories:

- I. less than \$5,000;
- II. \$5,000 to \$24,999;
- III. \$25,000 to \$49,999;
- IV. \$50,000 to \$99,999;
- V. \$100,000 to \$199,999;
- VI. \$200,000 or more.

Use as many pages of each section of the form as are required. Machine copies of the form's pages may be used. Complete all sections (if not applicable, so indicate). Please type or print.

8. Affidavit

I do hereby certify, after having been first duly sworn, that the information contained in this personal financial disclosure form is true and correct to the best of my knowledge, information, and belief.

Person Filing Report

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

Page _____ of _____

A. Positions

The name, address of, position in, and amount of interest in each business in which you or your spouse (either individually or collectively) were a director, officer, partner, member, or trustee during the calendar year. (Note: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

[illegible]

ETHICS

B. Business Interests

The name, address, and amount of interest in each business with which your sole relationship during the calendar year was as an owner of an interest and in excess of 10 percent held by you or your spouse (either individually or collectively). (Note: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

[illegible]

C. Income

The name, address, type, and amount of each source of income in excess of \$1,000 received by you or your spouse (either individually or collectively) during the calendar year. "Income" means any income from whatever source derived, including but not limited to the following types: compensation for services, including fees, salaries, commissions, and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from interest in an estate or trust. For income from compensation, give a very brief description of the services rendered. For income from mental health, medical health, or legal services, if the disclosure of the source of the income would reveal the identity of a patient or client, then either mental health, medical health, or legal services should be given as the source.

1. Individual, Spouse, or Both	2. Name and Address of Source of Income	3. Type	4. Amount	5. Description of Services
___ Individual ___ Spouse ___ Both				
___ Individual ___ Spouse ___ Both				
___ Individual ___ Spouse ___ Both				
___ Individual ___ Spouse ___ Both				
___ Individual ___ Spouse ___ Both				
___ Individual ___ Spouse ___ Both				
___ Individual ___ Spouse ___ Both				
___ Individual ___ Spouse ___ Both				
___ Individual ___ Spouse ___ Both				

ETHICS

D. Real Estate Holdings

The address and a short description (i.e., size, use of land) of each parcel of real property having a fair market value in excess of \$2,000 in which you or your spouse (either individually or collectively) had an interest during the calendar year.

1. Individual, Spouse, or Both	2. Address of Real Property	3. Description
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		

E. Transactions

A brief description, the date, and amount of each purchase, sale, exchange, donation, or gift, other acquisition or disposition, in excess of \$1,000, by you or your spouse (either individually or collectively) during the calendar year in any real property, and of any stocks, bonds, commodities futures, or other forms of securities, including but not limited to, any option to acquire and/or dispose of any stocks, bonds, commodities futures, other forms of securities, negotiable instruments, movable or immovable property, or any other interest.

1. Individual, Spouse, or Both	2. Description	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

ETHICS

F. Liabilities

The name, address, and amount of each liability in excess of \$10,000 owed to any creditor by you or your spouse (either individually or collectively) during the calendar year. (Note: Exclude any loan secured by a personal motor vehicle, household furniture, or appliance if such loan does not exceed the purchase price of the item that secures it.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Amount
____ Individual ____ Spouse ____ Both		
____ Individual ____ Spouse ____ Both		
____ Individual ____ Spouse ____ Both		
____ Individual ____ Spouse ____ Both		
____ Individual ____ Spouse ____ Both		
____ Individual ____ Spouse ____ Both		
____ Individual ____ Spouse ____ Both		
____ Individual ____ Spouse ____ Both		
____ Individual ____ Spouse ____ Both		

Page ____ of ____

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2673 (December 2004), repromulgated LR 31:620 (March 2005).

ETHICS

3. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____
4. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist

ATTACH
2" x 2"
PHOTOGRAPH
HERE

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2680 (December 2004), repromulgated LR 31:627 (March 2005).

§1908. Lobbying Expenditure Report**LOBBYING EXPENDITURE REPORT**

☐ COVERING JANUARY 1 THROUGH JUNE 30, ____
DUE BY AUGUST 15

☐ COVERING JULY 1 THROUGH DECEMBER 31, ____
DUE BY FEBRUARY 15

Lobbyist's Registration Number

FOR OFFICE USE ONLY

Postmark Date: _____

Instructions

- Print in ink or type.
- Fill in registration number in spaces provided.
- Check the box that identifies which report is being filed and fill in the year that the report is covering in the space provided.
- Complete form and return to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge, LA 70808 (225) 763-8777 or (800) 842-6630
- **This form must be delivered or postmarked by the due date.**
- This form may be faxed to (225) 763-8787.
- The report covering July 1-Dec.31 is a **cumulative report**. You must include information from the first half of the year.

1. NAME _____
Last First MI
2. BUSINESS ADDRESS _____
Street and No. City State Zip
- MAILING ADDRESS _____
Street and No. City State Zip
3. BUSINESS PHONE _____
Area Code and Phone Number
4. Total of all expenditures made January 1 through June 30: \$ _____
(Include expenditures from Schedules A and B)
5. Total of all expenditures made July 1 through December 31: \$. _____
(When applicable) (Include expenditures from Schedules A and B)
6. Total of all expenditures made during calendar year: \$ _____
(Line 4 added with Line 5 should equal Line 6)
7. Did you make an expenditure exceeding \$50 on one occasion for any one legislator:
- From January 1 through June 30? ☐ YES ☐ NO
- From July 1 through December 31? ☐ YES ☐ NO ☐ NA

If the answer to either question in Number 7 above is YES, please complete Schedule A and attach.

8. Did you make expenditures exceeding the sum of \$250 for any one legislator:
- From January 1 through June 30? ☐ YES ☐ NO
- From July 1 through December 31? ☐ YES ☐ NO ☐ NA

If the answer to either question in Number 8 above is YES, please complete Schedule A and attach.

9. Did you expend funds for a reception, social gathering, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof were invited during this reporting period?
- ☐ YES ☐ NO

If the answer to either question in Number 9 above is YES, please complete Schedule B and attach.

ETHICS

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; that all reportable expenditures have been included herein; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist

SCHEDULE A: EXPENDITURES FOR LEGISLATION

This schedule must be completed if you answered YES to either question 7 or 8 on the Lobbying Expenditure Report. If, during the period January 1 through June 30 or the period July 1 through December 31, you made either (a) an expenditure for any one legislator exceeding \$50 on any one occasion or (b) aggregate expenditures exceeding \$250 for any one legislator during a reporting period, then you must provide the aggregate total of expenditures made on that legislator in that reporting period. **NOTE: Report covering July-December is cumulative. You must include reportable expenditures from the first half of the year in Column #2.**

1. LEGISLATOR'S NAME	2. AMOUNT OF EXPENDITURES MADE ON A LEGISLATOR FOR WHOM YOU EITHER SPENT OVER \$50 ON ONE OCCASION OR MADE EXPENDITURES EXCEEDING \$250 BETWEEN JANUARY 1 AND JUNE 30.	3. AMOUNT OF EXPENDITURES MADE ON A LEGISLATOR FOR WHOM YOU EITHER SPENT OVER \$50 ON ONE OCCASION OR MADE EXPENDITURES EXCEEDING \$250 BETWEEN JULY 1 AND DECEMBER 31.	4. TOTAL OF COLUMNS 2 AND 3.

SCHEDULE B: EXPENDITURES FOR RECEPTIONS, ETC.

This schedule must be completed if you answered YES to either question 9 on the Lobbying Expenditure Report. The following information must be provided for all receptions, social gatherings, or other functions to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof, was invited.

1. NAME(S) OF GROUP(S) INVITED	2. DATE OF RECEPTION	3. LOCATION OF RECEPTION	4. TOTAL AMOUNT OF EXPENDITURES FOR ATTENDING LEGISLATORS*

*** No amount expended on persons other than attending legislators is reportable.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2682 (December 2004), repromulgated LR 31:629 (March 2005).

ETHICS

2. Name _____
Address _____
Business or purpose _____
☐ New Representation
Does this person pay you? _____
If No, who pays you? _____
☐ Terminated Representation as of _____
3. Name _____
Address _____
Business or purpose _____
☐ New Representation
Does this person pay you? _____
If No, who pays you? _____
☐ Terminated Representation as of _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2684 (December 2004), repromulgated LR 31:631 (March 2005).

§1910. Disclosure Statement Pursuant to R.S. 39:1233.1

LSA-R.S. 39:1233.1 DISCLOSURE STATEMENT	
<p>The Louisiana Code of Governmental Ethics generally prohibits any member or chief executive officer of a local depositing authority from serving as an officer, director, or employee of a bank in which agency funds are deposited L.S.A.-R.S. 39:1233.1 creates a narrow exception allowing a local governing authority member or chief executive officer to serve in such a capacity, despite the agency's deposit of funds in the bank, if he (1) recuses himself from voting in favor of any such bank and does not otherwise participate in the depositing authority's consideration of any matter affecting actual or potential business with the bank, (2) discloses the reason for recusal and files these reasons, in writing, in the minutes or record of the agency, and (3) files this disclosure form with the Board of Ethics within 15 days of any such recusal. Any such disclosure statement shall be deemed filed when it is received in the office of the Board of Ethics or at the time it is postmarked by the United States Postal Service, if it is subsequently received in the office of the Board of Ethics, whichever is earlier. This exception may be used only by members of "local depositing authorities." Local depositing authorities are defined by law to include all parishes, municipalities, boards, commissions, sheriffs and tax collectors, judges, clerks of court, and any other public bodies or officers of any parish, municipality or township, but do not include the state, state commissions, state boards and other state agencies. Unless a written advisory opinion has been obtained from the Board of Ethics, members and chief executive officers of special agencies created by, representing OR comprised of more than one political subdivision are NOT included in this exception. Sole decision makers may NOT take advantage of this exception.</p>	
<p>NOTE: This exception is narrow—completion of this form will not cure any violation of the Ethics Code except those situations specifically addressed in LSA-R.S. 39:1233.1.</p>	
1. Name and address of official	2. Office held (Please include the office title and the political subdivision.)
3. Name and address of bank	4. Position(s) held at bank (If officer, state office held. If employee, give job title.)
<p>5. Position with bank is _____ compensated _____ noncompensated. (Check one)</p>	
<p>6. Description of transaction from which you recused yourself from participating (for example, consideration of method of selecting bank(s) to be used, selection of a bank or banks, decision affecting deposits, decision to discontinue use of a bank, etc.) Include the date of each instance on which you recused yourself from voting or otherwise participating in any such transaction.</p>	
<p>7. _____</p> <div style="display: flex; justify-content: space-between;"> Signature of Official Date </div>	
<p>Mail or hand deliver to: Ethics Administration Program, 2415 Quail Drive, Third Floor, Baton Rouge, Louisiana 70808. If you have any questions, please call (225) 763-8777 or (800) 842-6630.</p>	

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004), repromulgated LR 31:633 (March 2005).

§1912. Notice to Persons Attempting to Do Business with Retirement Systems

A. The chairman of the board of trustees of each state or statewide public retirement system shall provide a written notice to every person whom the chairman knows, or reasonably should know, has or is seeking to obtain a contractual or other business or financial relationship with his system, which shall include the following information:

1. the need to file disclosure statements pursuant to R.S. 42:1114.2 and a form to file the statement;

2. the gift restrictions in the Code of Governmental Ethics set out at R.S. 42:1115; and

3. the requirements of registration and disclosure pursuant to the Executive Branch Lobbying Law, R.S. 49:71 through 78.

B. By December 15 of each year, the board shall provide a sample notice to the chairman of each state or statewide public retirement system to assist the chairman in his responsibility.

C. Within 15 days of the chairman's dissemination of the notice required in Subpart A, he shall provide to the board a copy of the notice distributed, as well as the name and address of each person to whom the notice was sent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2688 (December 2004).

§1913. Executive Lobbying Registration/Renewal

**EXECUTIVE LOBBYING REGISTRATION/
RENEWAL FOR
THE YEAR OF _____**
(Fill in year.)

Executive Lobbyist Registration No. _____

FOR OFFICE USE ONLY

Postmark Date: _____

Instructions

- Print in ink or type.
- Complete form and return with **\$110** registration fee to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge LA 70808, or fax to (225) 763-8787. For information or assistance, call (225) 763-8777 or (800) 842-6630.
- Initial registrations must be submitted within 5 days of (1) employment as a lobbyist or (2) first action requiring registration. Registrations expire as of December 31 unless a renewal is submitted between December 1 and January 31.

1. NAME _____
Last First MI

2. BUSINESS PHONE _____
Area Code and Phone Number

3. FAX NUMBER _____

4. BUSINESS ADDRESS _____
Street and No. City State Zip

MAILING ADDRESS _____
Street and No. City State Zip

5. EMPLOYER _____

6. EMPLOYER'S ADDRESS _____
Street and No. City State Zip

7. LIST BELOW (a) Names of persons, groups, or organizations which you represent; (b) the address of each such person, group, or organization you represent; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby.

1. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

**EXECUTIVE LOBBYING
REGISTRATION FORM**

Executive Lobbyist Registration No. _____

2. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

3. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

4. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by LSA-R.S. 49:71 et seq. has been deliberately omitted.

Signature of Lobbyist

ATTACH
2" x 2"
PHOTOGRAPH
HERE

**EXECUTIVE LOBBYING
REGISTRATION/RENEWAL
ATTACHMENT FORM**

Executive Lobbyist Registration No. _____

Instructions:

- Please make as many copies of this form as necessary in order to complete Question 7 of the Executive Lobbying Registration/Renewal Form.
- Fill in your Executive Lobbyist Registration No. in the space provided in the upper right hand corner of the page.
- Please identify each page with a page number and indicate the total number of pages being submitted.

1. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

2. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

3. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

4. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

Page _____ of _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2689 (December 2004).

§1915. Executive Lobbying Supplemental Registration**EXECUTIVE LOBBYING
SUPPLEMENTAL REGISTRATION FORM**

Executive Lobbyist Registration No. _____

Instructions

- Print in ink or type.
- Complete form and return to Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge LA 70808, or fax to (225) 763-8787. For information or assistance, call (225) 763-8777 or (800) 842-6630. No fee is required.
- This form must be submitted within 5 days of any changes in your registration form or to add employers or those you represent. It must be submitted within 10 days of any termination of employment or representations.

FOR OFFICE USE ONLY

Postmark Date: _____

1. NAME _____
Last First MINAME CHANGE _____
Last First MI2. BUSINESS PHONE _____
(Area Code) Phone Number

3. FAX PHONE _____

4. BUSINESS ADDRESS _____
Street and No. City State ZipMAILING ADDRESS _____
Street and No. City State Zip

5. EMPLOYER _____

6. EMPLOYER'S ADDRESS _____
Street and No. City State Zip7. Have you ceased or terminated **all** lobbying activities requiring registration? Yes _____ No _____

8. LIST BELOW (a) Names of persons, groups, or organizations which you are adding or eliminating; (b) the address of each such person, group, or organization listed; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby; and (e) the date of termination if applicable.

1) Name _____

Address _____

Business or purpose _____

G New Representation

Does this person pay you? _____

If No, who pays you? _____

G Terminated Representation as of _____

**EXECUTIVE LOBBYING
SUPPLEMENTAL REGISTRATION FORM**

Executive Lobbyist Registration No. _____

2) Name _____

Address _____

Business or purpose _____

G New Representation

Does this person pay you? _____

If No, who pays you? _____

G Terminated Representation as of _____

3) Name _____

Address _____

Business or purpose _____

G New Representation

Does this person pay you? _____

If No, who pays you? _____

G Terminated Representation as of _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by LSA-R.S. 49:71 et seq. has been deliberately omitted.

Signature of Lobbyist

Page 2 of 2

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2692 (December 2004).

ETHICS

- 4) Name: _____ EXEC.ID.# _____
Last First MI
- 5) Name: _____ EXEC.ID.# _____
Last First MI
- 6) Name: _____ EXEC.ID.# _____
Last First MI
- 7) Name: _____ EXEC.ID.# _____
Last First MI
- 8) Name: _____ EXEC.ID.# _____
Last First MI
- 9) Name: _____ EXEC.ID.# _____
Last First MI
- 10) Name: _____ EXEC.ID.# _____
Last First MI

Pursuant to LSA-R.S. 49:76G(2)(a), _____
(name of employer or principal) is exercising the option of filing expenditure reports
for all executive lobbying expenditures made of my/its behalf by persons representing
my/its interests during the year of _____. I hereby certify that the information
contained herein is true and correct to the best of my knowledge, information and
belief; and that no information required by LSA-R.S. 49:71 et seq. has been
deliberately omitted.

Signature of Employer/Principal or Representative

Print of Type Full Name

ETHICS

Page 1 of _____

8. PROVIDE BELOW (a) the name of the state or statewide public retirement system; (b) the aggregate total of all expenditures attributable to the retirement system made during the January 1-June 30 reporting period; (c) the aggregate total of all expenditures attributable to the retirement system made during the July 1-December 31 reporting period when applicable; (d) the aggregate total of all expenditures made in a calendar year attributable to the retirement system.

- 1) a. Name of Retirement System: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
- (When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____
- 2) a. Name of Retirement System: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
- (When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____
- 3) a. Name of Retirement System: _____
- b. Total of all expenditures made January 1 through June 30: \$ _____
- c. Total of all expenditures made July 1 through December 31: \$ _____
- (When applicable)
- d. Total of all expenditures made during the calendar year: \$ _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; that all reportable expenditures have been included herein; and that no information required by LSA-R.S. 42:1114.2 has been deliberately omitted.

Signature of Filer

Page _____ of _____

SCHEDULE A: EXPENDITURES FOR RETIREMENT SYSTEM OFFICIALS

This schedule must be completed if you answered YES to either question 6 or 7 on the Retirement System Financial Disclosure Report. If, during the period January 1 through June 30 or the period July 1 through December 31, you made either a) an expenditure for any retirement system official exceeding \$50 on any one occasion or b) aggregate expenditures exceeding \$250 for any one retirement system official during a reporting period, then you must provide the aggregate total of expenditures made on that individual in that reporting period. **NOTE: Report covering July-December is cumulative. You must include reportable expenditures from the first half of the year in Column #3.**

[illegible]

Page _____ of _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2696 (December 2004).

Chapter 20. Exemption Pursuant to the Provisions of Section 1123(34)

§2001. Application

A. A member of a municipal or parish governing authority in a parish or municipality with a population of 25,000 or less (according to the most recently published decennial census), or a member of such elected official's immediate family or a legal entity in which he has a controlling interest may make an application which is under the supervision or jurisdiction of his agency for the approval of the subdivision or resubdivision of property, and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided the elected official recuses himself from acting in his official governmental capacity in matters concerning such application, and provides the written notice as required in §2003 is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004).

§2003. Reporting Requirements

A. Written notices filed pursuant to R.S. 42:1123(34) of the Code shall:

1. be filed with the board and with the elected official's governing authority no later than 10 days prior to any hearing pertaining to such application or if no hearing is held at least 10 days prior to final action on such application; and

2. be in writing, on a form provided by the board or a form which is substantially similar to the form provided by the board, and shall contain the following;

a. name, address, and the office held by the elected official;

b. name and address, and relation to elected official, if the applicant is a member of the elected official's immediate family;

c. name and business address of the legal entity, if applicable;

d. name and population of municipality or parish;

e. description of the application being made;

f. date of hearing or final action regarding such application;

g. statement that:

i. the zoning of such subdivided property will not be less restrictive than the zoning of the original parcel;

ii. no variance or special exemption from any planning or zoning regulation or requirement or any building code or permit will be requested or granted;

iii. the property will be used for residential purposes only;

iv. application for the subdivision, resubdivision, or zoning of no more than 12 lots per calendar year and the construction of no more than 12 residential units per calendar year by the elected official, his immediate family members and any legal entity in which they own a controlling interest has been submitted; and

v. no public funds will be used to construct any infrastructure for the use or benefit of such property;

h. signed certificate of accuracy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004).

Title 52

ETHICS

Index

Affidavits Filed <ul style="list-style-type: none">by Employees and Agents of the Gaming Division Pursuant to R.S. 27:63.B and R.S. 27:226.B, 17Pursuant to Section 1123(16) of the Code of Governmental Ethics, 15	Emergency Opinions, 5
Affirmations, 3, 4	Ethics Administrator, Duties of the, 3
Agenda <ul style="list-style-type: none">Consent, 4Placement on, 4	Evidence, 9
Appeal and Good Cause, 13	Exceptions, 11
Application, 17, 46	Executive <ul style="list-style-type: none">Lobbying<ul style="list-style-type: none">Expenditure Reporting Designation, 41Registration/Renewal, 36Supplemental Registration, 39
Board <ul style="list-style-type: none">Action<ul style="list-style-type: none">by the, 7, 18Following Public Hearings, 10Executive Secretary to the, 3Panels of the, 2Powers of the, 2	Secretary <ul style="list-style-type: none">Duties of the, 3to the Board, 3
Charges, Summary Disposition of, 9	Ex Parte Communications, 4
Committees <ul style="list-style-type: none">Monthly Reporting by Political, 20Political<ul style="list-style-type: none">Filing Fees, 18Names, 18	Fact-Finding, 6
Complaints, 7	Fee(s) <ul style="list-style-type: none">Filing, 11<ul style="list-style-type: none">Political Committees, 18in Public Hearings, Witness, 10Schedule, 13
Conference, Pre-Hearing, 12	Filing <ul style="list-style-type: none">Fees, 21Late, 13Methods of, 20Time of, 20
Copies, 14	Finality, 5
Criteria, Penalties, 12	Form(s) <ul style="list-style-type: none">Incomplete and Incorrect, Registration and Reporting, 19Lobbying Registration, 29Lobbying Supplemental Registration, 33Personal Financial Disclosure, 22Registration and Reporting, 18, 21
Custodian, 13	Fundraisers Held during a Special Legislative Session, 16
Dating, 4, 6	Funds <ul style="list-style-type: none">Accepted by a Legislator during a Legislative Session, Return of, 19Accepted by the Governor during a Legislative Session or 30 Days, Return of, 19
Definitions, 1	Gaming Division Pursuant to R.S. 27:63.B and R.S. 27:226.B, Affidavits Filed by Employees and Agents of the, 17
Designation, 4	General, 7, 18
Disclosure <ul style="list-style-type: none">Form(s)Filed<ul style="list-style-type: none">by Members of the Gaming Control Board Pursuant to R.S. 27:12.B, 17Personal Financial, 22Pursuant to R.S. 27:96.A and R.S. 27:261.A, 16Pursuant to R.S. 39:1233.1, 15Pursuant to R.S. 42:1119(B)(2) of the Code, 15Report, Retirement System Financial, 43Statement Pursuant to R.S. 39:1233.I, 35	Hearing(s) <ul style="list-style-type: none">Assigning Public, 8Board Action Following Public, 10Consolidation of Public, 10Continuance of Public, 8Costs of Public, 10Initiating Public, 7Notice of Public, 8Place of Public, 8Private, 7
Discovery, 11	
Disqualification, 4	
Docketing, 4, 6	
Documents, Subpoena of Witnesses and Production of, 9	
Duties, 4	
Election(s) <ul style="list-style-type: none">Integrity, 6of the Chairman and Vice-Chairman, 1	

Procedure in, 8
 Transcripts of Public, 10
 Witness Fees in Public, 10
 In General, 20, 21
 Information Concerning Possible Violations, Consideration of, 6
 Interlocutory Rulings, 10
 Lobbying
 Expenditure Report, 31
 Registration Form, 29
 Supplemental Registration Form, 33
 Lobbyist Disclosure Act, Notices Filed Pursuant to Section 56(A) of the, 15
 Meetings, 2
 Minutes of Proceedings, 3
 Motions, 11
 Notice(s), 13
 Filed Pursuant
 to Section 56(A) of the Lobbyist Disclosure Act, 15
 to Section 56.1A of the Lobbyist Disclosure Act, 16
 Pre-Hearing, 12
 to Persons Attempting to Do Business with Retirement Systems, 35
 Notification, 5, 6
 Oaths, 3, 4
 Officials, Elected, Duties and Rights, 20
 Penalties
 Automatic, 13
 Criteria, for Violations, 12
 Persons to be Heard, 5
 Procedure(s), 7
 Quorum, 3
 Recommendation, Panel, 7
 Reconsideration, 5
 Records, Accepting and Filing, 16
 Registration
 and Reporting
 Dating, Numbering and Filing, 19, 21
 Forms, 18, 21
 Incomplete and Incorrect Forms, 19
 Provisional, 18
 Form, Lobbying Supplements, 33
 Renewal
 Executive Lobbying, 36
 Supplemental, 39
 Rehearings, 11

Report(s)
 Accepting and Filing, 16
 Lobbying Expenditure, 31
 Refusal of Electronic, 21
 Retirement System Financial Disclosure, 43
 Validation of, 20
 Reporting
 by Political Committees, Monthly, 20
 Designation, Executive Lobbying Expenditure, 41
 Forms, Registration and, 21
 Provisional Registration and, 18
 Registration and
 Dating, Numbering and Filing, 19, 21
 Forms, 18
 Incomplete and Incorrect Forms, 19
 Requirements, 46
 General, 17
 Impact on Governmental Entity and Alternative Measures, 17
 Requests, Presentation of, 5
 Requirements
 General, 4, 5
 Reporting, 46
 General, 17
 Retirement System(s)
 Financial Disclosure Report, 43
 Notice to Persons Attempting to Do Business with, 35
 Return of Funds Accepted
 by a Legislator during a Legislative Session, 19
 by the Governor during a Legislative Session or 30 Days, 19
 Statements Filed Pursuant
 to R.S. 39:1233.I, Disclosure, 35
 to Section 1111(E) of the Code of Governmental Ethics, 14
 to Section 1114 and Section 1114.1 of the Code, 14
 to Section 1120 of the Code of Governmental Ethics, 14
 Subpoena of Witnesses and Production of Documents, 9
 Violations
 Consideration of Information Concerning Possible, 6
 Penalties for, 12
 Voting, 3
 Withdrawal, 5, 6
 Witness Fees in Public Hearings, 10
 Witnesses
 and Production of Documents, Subpoena of, 9
 Exclusion of, 9